

# **EXHIBIT N**

# EXHIBIT 61

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HIGHLY CONFIDENTIAL  
ATTORNEYS' EYES ONLY

Page 1

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

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3  
4 ) Case No.  
IN RE VALVE ANTITRUST LITIGATION ) 2:21-cv-00563-JCC  
5 )  
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7 VIDEO-RECORDED DEPOSITION UPON ORAL  
8 EXAMINATION OF  
9 CONNOR MALONE

10 \*\*HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY\*\*  
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14 9:07 A.M.  
15 NOVEMBER 8, 2023  
16 701 FIFTH AVENUE, SUITE 5100  
17 SEATTLE, WASHINGTON  
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23

24 REPORTED BY: CARLA R. WALLAT, CRR, RPR

25 WA CCR 2578, OR CSR 16-0443, CA CSR 14423

1 Nintendo Switch first, right?

2 A. Yes.

3 Q. Would you agree that Steam has been successful  
4 over the past couple decades?

5 A. Successful in which way?

6 Q. In selling and distributing PC games?

7 A. Yes, I would.

8 Q. Is Steam profitable?

9 MR. SKOK: Object to the form.

10 A. I do not know.

11 Q. (BY MR. LeRAY) Do you know what Valve's costs  
12 are in providing the Steam service?

13 A. I do not.

14 Q. Okay. Now, you testified that one of your  
15 primary partners is Ubisoft, right?

16 A. I did.

17 Q. Ubisoft is a prominent game publisher, would  
18 you agree?

19 A. I would.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. Is it a top-five partner today?

24 A. I do not know.

25 Q. Okay. Do you know a Whitman Shenk of Ubisoft?

1 A. I do.

2 Q. And who is Whitman Shenk?

3 A. Whitman Shenk was one of the kind of primary  
4 contact that we had when I first started working with  
5 Ubisoft.

6 Q. Is he still a primary contact at Ubisoft or  
7 no?

8 A. He still works at Ubisoft, but he is no longer  
9 a primary contact, no.

10 Q. Who are -- who are your primary contacts at  
11 Ubisoft today?

12 A. Currently, a man named John Carey, Christopher  
13 Boily, Maxime Attard, and there are a few others from  
14 the French office that --

15 Q. And are you familiar with a Chris Early?

16 A. Yes.

17 Q. And who is Chris Early?

18 A. Chris Early is an executive at Ubisoft.

19 Q. Was he one of your primary contacts at Ubisoft  
20 at any point?

21 A. I would not classify him as a primary contact.

22 Q. Is he a nonprimary contact?

23 A. Chris is somebody that we -- we wouldn't  
24 typically have day-to-day business discussions with,  
25 but would occasionally have meetings with for

1 higher-level topics or more strategic type things.

2 Q. Is Steam one of Ubisoft's largest distribution  
3 channels?

4 A. I don't know.

5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]

10 Q. (BY MR. LeRAY) Okay. And at one point  
11 Ubisoft removed its new games from -- at one point  
12 Ubisoft chose to not publish its new games on Steam,  
13 right?

14 A. Correct.

15 Q. But Ubisoft has since reversed course and is  
16 now publishing its games on Steam again; is that right?

17 A. Ubisoft has started bringing some of the games  
18 that it took off of Steam in late 2018, 2019 and  
19 started bringing some of those titles back, yeah.

20 Q. Okay. And is Ubisoft releasing its new games  
21 on Steam?

22 A. That is a conversation we are still having  
23 with them.

24 Q. The alternative to releasing games on Steam  
25 would be releasing it on Uplay, or is that what they

1 call it?

2 MR. SKOK: Object to the form.

3 Go ahead.

4 A. It was formerly called Uplay. I believe it's  
5 now called Ubisoft Connect. Ubisoft has always had --  
6 put their games on their own platform, yes.

7 Q. (BY MR. LeRAY) Okay. Is Ubisoft Connect a  
8 competitor to Steam?

9 A. It is -- Ubisoft Connect is another store for  
10 selling PC games, so, yes.

11 Q. Do you know whether Ubisoft Connect allows  
12 other publishers to sell their games in that store?

13 A. I know that there was a period of time in  
14 which Uplay had third-party titles. I do not know if  
15 they have any of that currently or if it's only  
16 Ubisoft.

17 Q. And for a period of time, Ubisoft was also  
18 releasing at least some new titles on the Epic Games  
19 Store; is that right?

20 A. Yes.

21 Q. So during that time period, was Ubisoft  
22 releasing games on both Ubisoft Connect and Epic Games  
23 Store?

24 A. I believe so, yes.

25 Q. Was the Steam business team happy or upset

1 with that development?

2 MR. SKOK: Object to the form.

3 A. We valued our partnership with Ubisoft and it  
4 was -- we were upset to not be having their new content  
5 come to Steam when it was released.

6 Q. (BY MR. LeRAY) Did you conduct any studies on  
7 the impact to Steam's business from Ubisoft's exit  
8 strategy?

9 A. I'm not aware of anything of that nature.

10 Q. So we talked about curated marketing. Would  
11 you agree that whether to -- so is one of the functions  
12 of your team to determine which games get curated  
13 marketing and which do not?

14 A. Those are discussions that we have amongst our  
15 team, yes.

16 Q. So the Steam business team has the power to  
17 decide which games receive curated marketing, right?

18 A. I suppose so.

19 Q. Has Valve ever removed or limited curated  
20 marketing to partners for failure to abide by Valve  
21 policies?

22 MR. SKOK: Object to the form.

23 A. Yes, I believe there have been times in which  
24 we decided not to run additional marketing for titles  
25 that were engaging in things that we didn't find



1 Q. Okay. So for Rainbow Six, for example, would  
2 that mean that there's periodic updates to the game  
3 that people buy and add on to their game?

7 Q. And would another example of that be like  
8 Civilization where you can buy more leaders to add on?

12	Q. Got it.
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[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]







████████████████████

25 This -- there's the slide that -- the first bullet